

Minutes of the
Idaho Real Estate Appraiser Board
March 20, 2000

The Idaho Real Estate Appraiser Board meeting was called to order at 9:08 a.m., Monday, March 20, 2000 at the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho.

Roll Call: Paul Morgan, Chairman
 Doyle Pugmire, Vice Chairman
 Ruby Stroschein, Secretary
 Gordean Briggs, Board Member
 Stanley Moe, Board Member

Bureau Staff: Thomas E. Limbaugh, Bureau Chief
 Budd Hetrick, Jr., Deputy Bureau Chief
 Roger Hales, Administrative Attorney
 Kirsten Wallace, Deputy Attorney General
 John Kersey, Chief Investigator

Minutes

The Board discussed the draft minutes of the January 10, 2000 board meeting. Regarding the Idaho State Tax Commission Winter Courses, the motion is to state that the USPAP course is not approved for licensure/certification. Motion by Ruby Stroschein, seconded by Gordean Briggs and carried that the minutes of the January 10, 2000 board meeting be approved with the noted correction.

Administrative Hearing of Jerry Hines

Kirsten Wallace, Deputy Attorney General, proceeded with the formal Administrative Hearing of Jerry Hines, licensed residential appraiser, license number LRA-111.

Executive Session

Moved by Ruby Stroschein, seconded by Gordean Briggs and carried the Board go into executive session to discuss possible litigation, the time being 9:40 a.m.

Moved by Ruby Stroschein seconded by Gordean Briggs and carried the Board come out of executive session at 10:02 a.m.

Moved by Gordean Briggs, seconded by Ruby Stroschein that in the case of Jerry Hines, licensed residential appraiser, license number LRA-111, the Board authorizes Kirsten Wallace to issue a formal letter of reprimand, \$300 fine and recuperative costs not to exceed \$2,000.

Moved by Gordean Briggs, seconded by Ruby Stroschein to amend the motion regarding Jerry Hines to reflect the specific violation of record keeping into the record.

Moved by Gordean Briggs, seconded by Ruby Stroschein and carried that Mr. Hines be informed that the above payment must be paid within ninety (90) days of receipt of notification.

Roger Hales will prepare the order to be sent to Mr. Hines that will include that the costs and fees are due within ninety (90) days of receipt of the order.

Kirsten Wallace will submit this information to Roger Hales.

Thomas Limbaugh

Mr. Limbaugh informed the Board that the supplemental appropriation for \$9,000 was approved. This appropriation was obtained for paying pro-reviewers to review complaint files. The majority of this money has already been spent.

Mr. Limbaugh reviewed correspondence received from JFAC advising agencies that requests for appropriation for new programs must be submitted and approved before money is spent. Requests for programs started in anticipation of an appropriation will not be approved.

Discussion of the renewal fee to be charged for this year was held. In previous years, the Board has adjusted the annual renewal fee according to their fund balance, which has ranged from charging no renewal fee to charging \$150.00 renewal fee. Their fee is established at \$200.00 in their rules. Mr. Limbaugh stated that this was an issue in the last bureau audit. One or two years adjusting the renewal fee was acceptable, however, continuous adjustments are not. The Board should consider charging the renewal fee as set forth in the rules or promulgating a rule change and officially change the fee.

Moved by Gordean Briggs, seconded by Doyle Pugmire and carried that the renewal fee to be charged for the upcoming renewal period is to be that established in board rule, \$200.00.

Mr. Limbaugh informed the Board that Representative Wendy Jaquet had sent him an RS bill that proposed changes to the Real Estate Appraiser Act. This bill would allow credit for challenging an educational course without attending the actual course. Mr. Limbaugh provided Representative Jaquet with information that explained the Board's mandate to follow the Appraisal Subcommittee guidelines in establishing educational criteria. The Appraisal Subcommittee does not allow credit for challenging educational courses. Representative Jaquet has not pursued legislation regarding this issue.

The Board had asked Mr. Limbaugh if they could pay Ed Muehlbach, Chair of the Education Committee for his review of educational courses. Mr. Limbaugh stated that the Board would need to add this to their rules and then request the moneys in their appropriation, to be approved by the JFAC committee.

Gordean Briggs will research this issue with the states Idaho has reciprocity with and report to the Board how these states handle this matter.

Executive Session

Moved by Gordean Briggs, seconded by Doyle Pugmire that the Board go into executive session at 10:45 a.m.

Moved by Ruby Stroschein, seconded by Gordean Briggs and carried that the Board come out of executive session at 11:05 a.m.

Moved by Gordean Briggs, seconded by Doyle Pugmire and carried that the Board approves the open book test and directs the bureau to begin sending the test to all applicants immediately.

Roger Hales

Mr. Hales has prepared the reciprocity agreement between Idaho and Utah. The Chair of the Board will sign this agreement.

Mr. Hales has obtained the current law and rules for the state of Oregon and it appears reciprocity may exist between Oregon and Idaho. Moved by Gordean Briggs, seconded by Doyle Pugmire that Roger Hales prepare an agreement allowing reciprocity between Oregon and Idaho.

Mr. Hales has reviewed the Real Estate Appraiser Act and it appears there is nothing specific set forth under the powers/authority of the Board that would allow for the promulgation of a rule regarding the registration of trainees.

Complaint Report

John Kersey reported that to date five (5) complaints have been received for the year 2000.

Forty-six (46) complaints were received for 1999. Forty-two (42) remain under investigation. Two of those were closed without action. Two were closed after consent agreement. Seven (7) are pending formal hearings.

Thirty-seven (37) complaints were received during 1998. Twenty-eight (28) remain under investigation, legal or pro-review. Two (2) are pending formal hearings.

Regarding 1997 thirty-two (32) complaints were received. Fifteen (15) remain under investigation, legal or pro-review.

Regarding 1996 a total of forty-four (44) complaints were received. Six (6) complaints are under legal review or pro-review. One (1) is scheduled for a formal hearing.

Mr. Kersey discussed with the Board the two (2) hearings that are scheduled for the week of May 10th and will be held in Post Falls, Idaho. Mr. Kersey has made the accommodations for the hearing rooms at Templin's in Post Falls, Idaho for the entire week.

The Board members will be attending both hearings. The May board meeting will be changed from May 15, 2000 in Boise to May 9, 2000 in Post Falls in order to coordinate their board meeting with the hearings.

AQB Disciplinary Policies

The AQB Disciplinary Policies were reviewed and discussed by the Board. The Board agreed to use these guidelines for a short time to see if they will assist them in establishing a disciplinary policy to maintain uniformity in board actions.

Moved by Gordean Briggs, seconded by Doyle Pugmire and carried that the Board authorize the Deputy Attorney General, the Bureau Chief Investigator and the individual board member who is screening/reviewing complaint files to issue advisory letters and letters of reprimand on complaints that rise to this level without the final approval of all board members.

Idaho State Tax Commission

Marilee Fuller, Gregory Cade and Dwayne Hines from the Idaho State Tax Commission met with the Board regarding their USPAP course and IAAO sponsored courses. The USPAP course being given by them is sponsored by IAAO and therefore, is automatically an approved course because IAAO is a member of the Appraisal Foundation.

The Board informed these individuals that if a course is IAAO sponsored courses, they do not have to be submitted to the Board for their review. This is because IAAO is a member of the Appraisal Foundation and all Foundation courses are automatically approved.

The Board did inform them that all other courses that need Board approval must be submitted at least ninety (90) days prior to being held in order to be

reviewed/approved by the Board. This timeframe is necessary to allow sufficient time for review.

Executive Session

Moved by Gordean Briggs, seconded by Ruby Stroschein and carried that the Board go into executive session to discuss possible litigation, the time being 2:20 p.m.

Moved by Gordean Briggs, seconded by Ruby Stroschein and carried that the Board come out of executive session at 3:45 p.m.

The Board made the following decisions regarding complaint files:

Case #1 REA-L3-02-96-016, REA-L3-02-96-040, REA-L3-02-97-010, REA-P2C-02-98-004, REA-L3-02-96-042: The Board authorizes Kirsten Wallace to negotiate a consent order – nine to twelve months suspension of license, \$3,000 - \$5,000 fine per case and two years probation. During the probation period, the Bureau Investigator will randomly choose appraisal reports on a quarterly basis and submit them to the Board for their review.

Case #2 REA-L3-02-96-041: The Board authorizes Kirsten Wallace to issue an advisory letter.

Case #3 REA-L3-03-98-010: The Board authorizes Kirsten Wallace to issue an advisory letter to the appraiser and to their supervising appraiser.

Case #4 REA-L3-03-98-016: The Board authorizes Kirsten Wallace to issue a formal reprimand, \$500 fine and six (6) months probation.

Case #5 REA-L3-04-98-018: The Board authorizes Kirsten Wallace to issue a warning letter.

Case #6 REA-B2A-01-98-005: The Board authorizes Kirsten Wallace to issue an advisory letter.

Continuing Education

Donetta Foss requested the Board review continuing education for the following:

Lee & Grant request for credit of an on-line USPAP course. The Board does not approve this course. Inspecting Single Family Home – no credit.

C. Ross Acheson request for continuing education credit: Loss Prevention, Electronic Data Interchange and Internet for Appraisers. The Board will not allow credit for any of these classes.

Advalorem Guidelines

Ruby Stroschein requested that this item be placed on the agenda for the May 9, 2000 board meeting, the Board agreed.

NAR Publication

NAR had requested that the Board submit articles for publication. The Board directs the Bureau to send them a copy of their newsletter.

Mailing USPAP to Licensees

The Board authorized the Bureau to mail the current copy of USPAP to all licensees if the cost for doing so is in the budget, as soon as available. This does

not have to come before the Board to authorize mailing if it has been included in the budget.

Challenge Examinations

Discussion was held regarding acceptance of challenge examinations for meeting the educational requirement. A memo was to be sent to all licensees on this issue, but upon further discussion, the memo will not be mailed until the Board receives further information. Gordean Briggs will provide this information at the next board meeting.

AARO Conference

The AARO Spring Conference is to be held April 15-18, 2000 in Denver, Colorado. The Board agreed that Gordean Briggs and Paul Morgan should attend this meeting and be reimbursed their expenses incurred for attending.

Reciprocity Application

A new application for reciprocity applicants has been prepared and was reviewed by the Board for approval. The Board approves the application and authorized the Bureau to begin mailing it to reciprocity applicants.

Applications Reviewed

The Board approved three (3) applications for examination.

The Board authorized the issuance of the following certificates/licenses to these individuals having met the educational and experience requirements and passing an examination required by the Board.

Licensed Residential

Mark Paljetak	LRA-354
Dustin Harris	LRA-357

Certified Residential

Sonya Reed – Reciprocity with Louisiana	CRA-353
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Certified General

Aaron Taylor – Reciprocity with Washington	CGA-351
M. Kimmerle Culver – Reciprocity with Washington	CGA-352
Harlan Lund – Reciprocity with Montana	CGA-355
Lynn Strobel – Reciprocity with Montana	CGA-356

Meeting adjourned at 5:30 p.m.

Paul Morgan, Chairman

R. Doyle Pugmire, Vice Chairman

Ruby Stroschein, Secretary

Gordean Briggs

Stanley Moe

Thomas E. Limbaugh, Chief
Bureau of Occupational Licenses

Approved May 9, 2000

